

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Larry Reed and Darnell McCoy, *on behalf
of themselves and all individuals similarly
situated*,

Plaintiffs,

v.

General Motors LLC and OnStar, LLC,

Defendants.

Case No. 2:24-cv-10804

Honorable Judge Jonathan J.C. Grey

Magistrate Judge Curtis Ivy, Jr.

**RESPONSE OF DEFENDANTS GENERAL MOTORS LLC AND ONSTAR,
LLC TO MOTION TO CONSOLIDATE [ECF 8] AND MOTION TO
APPOINT COUNSEL [ECF 9]**

Defendants General Motors LLC and OnStar, LLC (“Defendants”), by and through their undersigned counsel, submit this Response to Plaintiffs’ Joint Motion for Consolidation (ECF No. 8, “Consolidation Motion”) and Plaintiffs’ Joint Motion for Appointment of Co-Lead Interim Class Counsel and Plaintiffs’ Executive Committee (ECF No. 9, “Interim Class Counsel Motion”) in the above-captioned cases (the “Actions”).ⁱ

As explained in greater detail in the supporting Brief, Defendants do not oppose consolidation of the Actions. With respect to Plaintiffs’ Interim Class

ⁱ The plaintiffs in the two affected cases jointly moved; Defendants did not join in the motions.

Counsel Motion, Defendants take no position at this time. Defendants submit that, given the parties agreement that both actions should be stayed pending resolution of a Motion for Transfer and Centralization Pursuant to 28 U.S.C. § 1407 that has been filed with the United States Judicial Panel on Multidistrict Litigation (“JPML”), any briefing on and decision regarding interim class counsel should appropriately be made only after an order from the JPML is issued.

Respectfully submitted this 18th day of April, 2024.

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**BRIEF IN SUPPORT OF RESPONSE OF
DEFENDANTS GENERAL MOTORS LLC AND ONSTAR, LLC
TO MOTION TO CONSOLIDATE [ECF 8] AND MOTION TO APPOINT
COUNSEL [ECF 9]**

STATEMENT OF QUESTIONS PRESENTED

1. Should the Court consolidate this action with *Block v. General Motors, et al.*, No 24-10824 (E.D. Mich.)?

Defendants' Answer: Yes.

2. Should this Court defer ruling on Plaintiffs' Interim Class Counsel Motion because the parties have agreed that a stay of this litigation is appropriate given the pending proceedings before the Joint Panel on Multidistrict Litigation?

Defendants' Answer: Yes.

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CONTROLLING OR MOST APPROPRIATE AUTHORITY

Fed. R. Civ. P. 42(a).

28 U.S.C. § 1407

ARGUMENT

Defendants General Motors LLC and OnStar, LLC do not oppose consolidation of the Actions. The Actions involve one or more “common question[s] of law or fact” within the meaning of Fed. R. Civ. P. 42(a). Consolidation will also further the convenience of the parties and witnesses, promote the just and efficient conduct of these Actions, and minimize judicial waste and inefficiency, including, for example, with respect to resolving whether the Actions should be compelled to arbitration.ⁱ *See* 28 U.S.C. § 1407(a). Importantly, Defendants do not concede that “common questions of fact” exist, or are capable of common resolution, within the meaning of Federal Rule of Procedure 23. To the contrary, Defendants maintain that neither of the Actions present claims appropriate for resolution through class action treatment.

With respect to Plaintiffs’ Interim Class Counsel Motion, Defendants take no position at this time. The parties have agreed that all proceedings in this case (aside from the Consolidation Motion) should be stayed pending resolution of a Motion for Transfer and Centralization Pursuant to 28 U.S.C. § 1407 that has been filed with the United States Judicial Panel on Multidistrict Litigation (“JPML”). *See In re: Vehicle Driving Data Tracking Litigation*, MDL No. 3115, ECF No. 1 (J.P.M.L.

ⁱ Defendants expressly reserve their arbitration defenses and right to move to compel arbitration, whether in this action or in any consolidated action ordered by the JPML.

Apr. 5, 2024). The parties have also specifically agreed that any deadline to respond to Plaintiffs' Interim Class Counsel Motion should be stayed pending the JPML's decision. Defendants, therefore, respectfully submit that any briefing on and decision regarding interim class counsel should appropriately be made only after an order from the JPML is issued.

Respectfully submitted this 18th day of April, 2024.

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